

REMARKS

Claims 1-24 are pending in the application. The Applicants hereby request further examination and reconsideration of the application in view of these remarks.

Claims 1-3, 5-13, 15-22, and 24 are being rejected under 35 U.S.C. § 103(a) as being unpatentable over Moeller'022 (U.S. Patent Application Publication No. 2003/0170022). Claims 4, 14, and 23 are being rejected under 35 U.S.C. § 103(a) as being unpatentable over Moeller'022 in view of Yonenaga.

Over the months of March and April, several telephone conversations took place between the Examiner and the Applicant's attorney Yuri Gruzdkov. The Applicants thank the Examiner for the courtesy of those conversations. It has been agreed that the finality of the last office action will be withdrawn and a new office action will be issued.

Until the propriety or impropriety of dismissing the previously filed Declaration under 37 CFR 1.132 can be determined, the Applicants reiterate their previously articulated position that, in view of the Declaration, Moeller'022 is not a proper prior-art reference and that the rejections of claims over Moeller'022 should be withdrawn.

The Applicants further reiterate their position regarding the obviousness-type double patenting rejection over a co-pending application (Serial No. 10/782,231). More specifically, the Applicants submit that the obviousness-type double patenting rejection in the present application should be withdrawn under MPEP § 804(I)(B)(1) because the present application is "the earlier filed of the two pending applications."

In view of the above remarks, the Applicants believe that the pending claims are in condition for allowance. Therefore, the Applicants believe that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

Date: April 9, 2008
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